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TO: Brian Fontes
FAX NUMBER: 632 - 5173
FROM: Merrill Spiegel
DATE: 3-23-93

RECEIVED

MAR 24 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

COMMENTS: Attached is a copy of a letter being
mailed out today. I would appreciate it

Congress of the United States
Washington, DC 20515

March 23, 1993

The Honorable James H. Quello
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: MM Docket No. 92-265

Dear Chairman Quello:

We are writing to express our views concerning the Notice of Proposed Rulemaking regarding the program access provision (section 19) of the Cable Television Consumer Protection and

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additional showing of harm. After a cable competitor establishes a prima facie case, the burden of proof shifts to the vertically integrated programmer or cable operator who is alleged to be in violation.

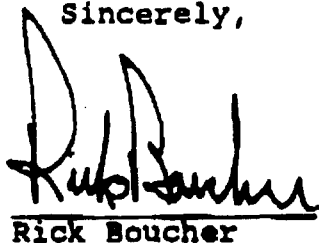
The language of section 19 does not permit any other method of analysis of price discrimination. Nor does it permit any other method of allocating the burden of proof. Congress

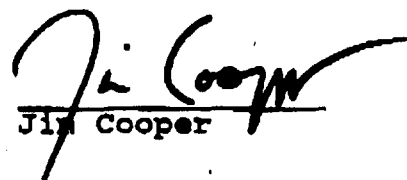
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We all want competition to thrive in the video programming marketplace. Issuing strong access to programming regulations will be the single most important action the Commission can take to foster that competition. We urge you to fulfill the goals of the statute when promulgating the section 19 regulations.

Sincerely,


W.J. (Billy) Tazzin


Rick Boucher


Jim Cooper


Ralph M. Hall


Mike Synar


Jim Slattery

cc: The Honorable Andrew C. Barrett
The Honorable Ervin S. Duggan